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March 7, 2013

Hon. Joseph F. Bianco
United States District Court
100 Federal Plaza
Central Islip, New York 11722

Re: *Moore v. The County of Suffolk, et al.*,
No. 9-CV-2031 (JFB) (AKT)

Dear Judge Bianco:

In my letter of March 1, 2013 (Doc. 83) I noted that oral argument in *People v. Diack*, No. 2011-01261 N R (N.Y. App. Term, 2d Dept.) has been scheduled for March 21, 2013. In a subsequent conversation with the Clerk of the Appellate Term, Second Department, he volunteered that a decision in the case could be expected within sixty days of argument, and, in response to my question, said that I could relate that to your Honor.

In view of the previous delay in *Diack*, the County of Nassau continues to now take no position on whether you should defer decision in *Moore* until after a decision in *Diack*, or should, as you decided at the February 25 status conference, proceed to a determination on the pending motion in *Moore*. However, in view of your interest in this, I wanted to bring this to your attention.

Respectfully,

A handwritten signature in black ink, appearing to read "Dennis J. Saffran".

Dennis J. Saffran
Appeals Bureau Chief

cc: All Counsel (via ECF)